

**EXHIBIT 5 TO
STATEMENT OF FACTS**

TTAB

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3514 ON THE DATE INDICATED BELOW

By *Judith Meeet-Mose*
DATE: 9-14-04

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SEXY HAIR CONCEPTS, LLC,)
)
)
<i>Opposer.</i>)
)
v.) Opposition No. 125,739
)
V SECRET CATALOGUE, INC.,) (SO SEXY)
)
<i>Applicant.</i>)

78/094035
75/634,213

NOTICE OF RELIANCE

Honorable Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514



09-17-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt #77

Dear Commissioner:

Pursuant to T.B.M.P. §§707 and 708 and 37 C.F.R. §2.122(e), Opposer hereby gives notice that it intends to rely on the following evidence:

- Copies of the following printed publications from news papers, periodicals and journals available to the general public in libraries or of general circulation among members of the public or that segment of the public which are relevant to this proceeding to establish use of the "SEXY" and "SEXY HAIR" names and marks by persons in the relevant trade to refer to Opposer and its goods, as opposed to any other entity, and evidencing recognition of "SEXY" and "SEXY HAIR" as names and marks of Opposer:

Description of Publication

- "Salon Connection. (Street Level) (Sexy Hair Concepts)." Global Cosmetic Industry, October 1, 2003, Volume 171, Issue 10. Entire document.
- "Clothes Encounters." The Post and Courier (Charleston, SC). September 12, 2003. Entire document.
- "Short Sexy Hair Play Dirty Wax Master Dry Wax; ... Manufacturer: Sexy Hair Concepts . . ." Product Alert, July 28, 2003, Volume 33, Issue 14. Entire document.

4. "Sexy Hair Nets Penney's Chain's Salons Will Use, Sell Firms Designer Products." Los Angeles Daily News, June 28, 2003. Pages 1-2.
5. "Destination Gorgeous." The Express, May 17, 2003. Page 2.
6. "Spring into new hair fashions: some companies focus on men . . ." Household & Personal Products Industry, May 1, 2003, Volume 40, Issue 5. Pages 1-2, 5-7.
7. "Hair apparent Locks take lead at Midwest Beauty Show." Chicago Tribune, March 12, 2003. Pages 1-2.
8. "Sexy goes Super. (Street Level) (Sexy Hair Concepts launches skus in Supercuts salons)." Global Cosmetic Industry, March 1, 2003, Volume 171, Issue 3. Entire document.
9. "Tania Bryer. Every week, TV presenter Tania gives her verdict on the latest beauty buys." The Express. February 25, 2003. Entire document.
10. "Wild Sexy Hair Unshakeable Firm Holding Fixative Spray; . . . Manufacturer: Sexy Hair Concepts Category: 320 – Hair Styling Products." Product Alert, February 24, 2003, Volume 32, Issue 4. Entire document.
11. "Wild Sexy Hair Untamed Whipped Wax: Sexy Hair Concepts Category: 320 – Hair Styling Products." Product Alert, February 10, 2003, Volume 32, Issue 3. Entire document.
12. "Healthy hair, healthy segment; Global Report: Hair Care; Industry Overview : Global Cosmetic Industry, January 1, 2003. Page 8.
13. Catherine Zeta-Jones: 'Chicago', CNN.com December 27, 2002. Entire document.
14. "The hair care market, hundreds of competing hair care brands answer increasingly diverse needs." Household & Personal Products Industry, December 1, 2002, Volume 39, Issue 12. Page 3.
15. "Beauty People: The Winter Hot List; . . ." The People, October 27, 2002. Entire document.
16. CCL container. (Wrap Up). (Brief Article), Global Cosmetic Industry, October 1, 2002, Issue 10. Entire document.
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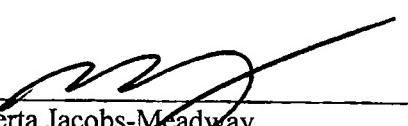
18. "CCL Container (Packaging News). (packaging for Sexy Hair Concepts' Big Sexy Hair Collection)." Soap & Cosmetics, October 1, 2002, Volume 78, Issue 7. Entire document.
19. "Sexy Hair Concepts Healthy Sexy Hair Firm Holding Gel . . ." Product Alert, June 10, 2002, Volume 31, Issue 11. Entire document.
20. "Sexy Hair Concepts Healthy Sexy Hair Miraculous Leave-In Treatment – Soy Protein." Product Alert, June 10, 2002, Volume 31, Issue 11. Entire document.
21. "Sexy Hair Concepts Sexy Hair Moisture Shampoo-Soy Milk for Dry and Chemically Treated Hair . . ." Product Alert, June 10, 2002, Volume 31, Issue 11. Entire document.
22. "The National Council of La Raza to Give Luxurious Gift Basket to the Host, Presenters & Performers of the 2002 Alma Awards . . ." PR Newswire, May 18, 2002. Page 2.
23. "The styling market turns a new page: new hair styling product forms . . ." Household & Personal Products Industry, May 1, 2002, Volume 39, Issue 5. Page 5.
24. "Sexy Hair Concepts, Chatsworth, Ca. (Marketing News)." Household & Personal Products Industry, April 1, 2002, Volume 39, Issue 4. Entire document.
25. "The hair care market: hair care will never go out of style with the latest choices in protection and color." Household & Personal Products Industry, December 1, 2001, Volume 38, Issue 12. Page 4.
26. "Sexy Hair. (What's New). (Spring 2002 Sex Symbol Collection)." Soap & Cosmetics, December 1, 2001, Volume 77, Issue 12. Entire document.
27. "Soy-based products. (Expand Healthy Sexy Hair Collection)." Spray Technology & Marketing, November 1, 2001, Volume 11, Issue 11. Entire document.
28. "Healthy Sexy Hair Soy Smoothie Straightening Tonic; . . ." Product Alert, October 22, 2001, Volume 31, Issue 20. Entire document.
29. "Healthy Sexy Hair SoyMilk Shampoo; . . ." Product Alert, October 22, 2001, Volume 31, Issue 20. Entire document.
30. "All That Glitters: Today's Color Cosmetics. Household & Personal Products Industry, August 1, 2001, Volume 38, Issue 8. Page 3.
31. "Soy Featured in New Sexy Hair Concepts Line." Household & Personal Products Industry, July 1, 2001, Volume 38, Issue 7. Entire document.

32. "Sexy Hair Concepts Big Sexy Hair Root Pump Plus Spray Mousse ..." Product Alert, May 14, 2001, Volume 18, Issue 9. Entire document.
33. "Sexy Hair Concepts Hot Sexy Highlights Aero Color Spray-Poly-Ester Pink; ..." Product Alert, May 14, 2001, Volume 18, Issue 9. Entire document.
34. "Are you too busy for beauty?" Redbook, May 1, 2001, Volume 196, Issue 5. Pages 2-3.
35. "Hair Styling Update." Household & Personal Products Industry, May 1, 2001, Volume 38, Issue 5. Pages 3, 6.
36. "P&G to Sell Spic'n Span and Cinch." Household & Personal Products Industry, March 1, 2001, Volume 38, Issue 3. Page 3.
37. "Sexy Hair Concepts Hot Sexy Highlights Shampoo; Hot Sexy Highlights Conditioner." Product Alert, October 9, 2000, Volume 30, Issue 19. Entire document.
38. "The Band is Back Together; Ecoly International introduces new hair care products." Soap & Cosmetics, June 1, 2000. Entire document.

Respectfully submitted,

Dated: 9/14/04

By:


Roberta Jacobs-Meadway

Jay K. Meadway

BALLARD SPAHR ANDREWS & INGERSOLL, LLP
1735 Market Street – 51st Floor
Philadelphia, PA 19103
(215) 665-8500
ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached Notice of Reliance filed with U.S. Trademark Trial and Appeal Board was served on counsel for the Applicant on the date listed below via overnight mail delivery:

Frank J. Colucci, Esquire
Colucci & Umans
Manhattan Tower
101 East 52nd Street
New York, NY 10022

Dated: 9-14, 2004

Frank Meeet-Masi

**SEXY HAIR CONCEPTS, LLC V. V SECRET CATALOGUE. INC.
Opposition No. 125,739 (SO SEXY)**

Index

Description of Publication

1. "Salon Connection. (Street Level) (Sexy Hair Concepts)." Global Cosmetic Industry, October 1, 2003, Volume 171, Issue 10. Entire document.
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38. "The Band is Back Together; Ecoly International introduces new hair care products." Soap & Cosmetics, June 1, 2000. Entire document.



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(Publication page references are not available for this document.)

Global Cosmetic Industry
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Wednesday, October 1, 2003

ISSN: 1523-9470; Volume 171; Issue 10

Salon connection. (Street Level) (Sexy Hair Concepts)

Sexy Hair Concepts now sponsors In Our Salon, JCPenney's bimonthly magazine targeting the hairdresser community. As of July, the department store carries three **Sexy Hair** brands, including the Big, Short and Healthy lines. "As JCPenney's marketing strategy targets a new and hipper clientele, **Sexy Hair Concepts** is the perfect match for JCPenney salons," said Michael O'Rourke, CEO of **Sexy Hair Concepts**.

---- INDEX REFERENCES ----

COMPANY: JC Penney Company Inc (PENYJC)

NEWS SUBJECT: (Earnings (C151); Funding/Capital (C17); Marketing (C31); Advertising (C32); Management Issues (C41); Corporate/Industrial News (CCAT); Political/General News (GCAT); Performance (C15))

INDUSTRY: (Pharmaceuticals (I257); Skin Care Products (I2583); Magazine Publishing (I4752); Beauty/Personal Care (I98201); Chemicals (I25); Soaps/Cosmetics (I258); Printing/Publishing (I475); Retail (I64); Mixed Retailing (I656); Department Stores (I6560002); Business/Consumer Services (IBCS); Consumer Products (ICNP); Media (IMED))

OTHER INDEXING: United; States; Trade; Magazine/Journal; Any type of business; Pharmaceuticals and Cosmetics; Periodicals; Toilet preparations; Periodicals; Hair Preparations; Periodical Publishers; Toilet Preparation Manufacturing; Periodicals - Finance; Hair preparations - Marketing; Corporate sponsorship - Marketing; Beauticians - Marketing; Company financing; Company marketing practices; Financial management; Marketing procedures; **Sexy Hair Concepts** - Marketing

Word Count: 76
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Copyright 2003 The Post and Courier (Charleston, SC)
The Post and Courier (Charleston, SC)

September 12, 2003 Friday FINAL Edition

SECTION: FASHION; Pg. 1D

LENGTH: 562 words

HEADLINE: CLOTHES ENCOUNTERS

BYLINE: MINDY SPAR Of The Post and Courier Staff

BODY:

SAKS APPEAL: September is a busy month at Saks Fifth Avenue, 211 King St. For starters, view the Special Occasion Collection today and Saturday from 10 a.m. to 6 p.m. in the 5th Avenue Club. Designers previewed include Tom & Linda Platt, Reem Acra, Sunny Choi, Vera Wang and Christian A. Appointments are recommended and can be made by calling 805-1111.

Sept. 15-17 there will be an Adrienne Landau trunk show also in the 5th Avenue Club.

KEY TO THE CURE: Saks is also gearing up for its annual Key to the Cure. The shopping event, to benefit women's cancer research, will be held Sept. 17-20. To help raise awareness for all women's cancers, Saks Fifth Avenue Charleston and the Entertainment Industry Foundation have teamed with Susan G. Komen Breast Cancer Foundation in Charleston to host the national shopping weekend with a variety of activities at the store.

This year's Key to the Cure T-shirt was designed by Stella McCartney, and 100 percent of its \$29 retail price will go to charity.

The festivities continue all weekend, and Sept. 20 will prove to be a lot of fun with the Club SFA fashion experience in contemporary sportswear with a DJ, a preview of fall fashion trends and the M.A.C. cosmetic artists.

BOUQUET OF HOPE: Charleston's own Mary Norton of Moo Roo Handbags has designed a limited-edition bag to benefit breast cancer research. Norton will make a personal appearance at Saks Fifth Avenue in Manhattan during the store's Fashion Targets Breast Cancer Week to showcase her fall collection, as well as the Bouquet of Hope bag.

This special evening bag is embellished with a bouquet of enameled and jeweled flowers held together with the breast cancer pink ribbon. There will only be 100 of these limited-edition bags available with half of the profits going to breast cancer research.

The bags will be available at the Moo Roo store at 316 King St.

TRUNK SHOW: Copper Penny will hold a Lafayette 148 trunk show from 10 a.m. to 6 p.m. Monday at the shop in Northcutt Plaza, 280 W. Coleman Blvd., Mount Pleasant. The fall 2003 line features beautiful fabrics in day to evening styles. For more information, call 881-3497.

SHORT SEXY HAIR: When Sexy Hair Concepts challenged hair stylists across the country to come up with a short, sexy hairstyle, Frances Dubose and Stephanie McCrary, of London Hair in Mount Pleasant, answered the call and they won. The pair were two of 10 winners in the "Short on Cash — Show Us Your Short Sexy Hair Contest." In fact, Dubose won for two of her designs.

The winners were chosen on the basis of originality, style and creativity. Hairstylists entered the Short on Cash contest by submitting a photo of their client showcasing a hairstyle they created using two or more Short Sexy Hair products.

London Hair is in the Queensboro Shopping Center in Mount Pleasant.

The Post and Courier (Charleston, SC) September 12, 2003 Friday FINAL Ed Page 2

MENSWEAR IN TOWNE CENTRE: Jos. A. Bank Clothiers is scheduled to open its 184th store and first in the area at Mount Pleasant Towne Centre today. The store is known for its selection of traditional menswear from suits to casual weekend wear. One of the company's innovations is the Jos. A. Bank Trio Suit that comes with an extra pair of pants, giving the wearer two options, a suit or a casual outfit, in one.

The new store's hours are Monday through Saturday 10 a.m. to 9 p.m. and Sunday noon to 6 p.m.

LOAD-DATE: September 15, 2003



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Product Alert
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Monday, July 28, 2003

ISSN: 0740-3801; Volume 33; Issue 14

Short Sexy Hair Play Dirty Wax Master Dry Wax; Rough and Ready Styling Gunk; What a Body Ultra Bodifying Blow Dry Gel MANUFACTURER: **Sexy Hair Concepts**
CATEGORY: 320 - Hair Styling Products.

Chatsworth, CA-based **Sexy Hair Concepts** introduces new products to its Short **Sexy Hair** line. **Play Dirty Wax Master Dry Wax** is available in a 4.4 oz. metal container. It is said to offer weightless texture and medium hold without a sticky mess. "Aloe vera juice, lavender oil and glycerin condition hair as the product styles." The suggested retail price is \$15.35. **Rough and Ready Styling Gunk** is claimed to use sorbitol for thickening and keratin amino acids for strengthening. The "alcohol-free" **What a Body Ultra Bodifying Blow Dry Gel** is said to be a light gel that won't flake and leaves hair soft and shiny without feeling tacky. For sample retrieval information, please call: Marketing Intelligence Service, Ltd., (585) 374-6326.

---- INDEX REFERENCES ----

NEWS SUBJECT: (New Products/Services (C22); Corporate/Industrial News (CCAT))

INDUSTRY: (Chemicals (I25); Soaps/Cosmetics (I258); Consumer Products (ICNP); Hair Care Products (IHAIR))

REGION: (North American Countries (NAMZ); United States (USA))

OTHER INDEXING: Corporate/Industrial News; New Products/Services; United States; North American Countries; Chemicals; Soaps/Cosmetics; Consumer Products; Hair Care Products; ZT-FTN; Consumer Non-Cyclical; Cosmetics & Personal Care; Consumer Products; English language content; New Products and Services; United States; NCY; COS; DCP; ENGL; PDT; US

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7/28/03 PRODALERT 0
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(Publication page references are not available for this document.)

Los Angeles Daily News
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Saturday, June 28, 2003

Business

SEXY HAIR NETS PENNEY'S CHAIN'S SALONS WILL USE, SELL FIRM'S DESIGNER PRODUCTS
Brent Hopkins Staff Writer

CHATSWORTH - Michael O'Rourke thinks this deal is bigger than a beehive hairdo. Next month his company, **Sexy Hair Concepts**, will ship its shiny cans of hair spray and plump bottles of shampoo to more than 600 JCPenney salons nationwide. The partnership, which O'Rourke, the company's chief executive, terms "huge," puts the rapidly growing hair-care products developer in front of thousands of new consumers.

"Take the salon base, then multiply that by five or six hairdressers in each salon," he said, eyes gleaming. "Then multiply that by the 20 to 30 consumers they do a week. That's tremendous marketing power."

A former salon owner and hairdresser, O'Rourke formed **Sexy Hair** in 1999, looking to develop professional-quality products for stylists with a trendy edge. Housed in striking, metallic red, blue and chrome containers, the sprays and shampoos have become strong sellers for his privately held firm. He estimates annual retail sales have hit \$120 million, with a 73 percent annual growth rate in the past two years.

"We think they're one of the most exciting companies to emerge in the professional market," said Steven Casciola, publisher and editor of **Salon City Star**, a bimonthly beauty industry magazine. "They've started with the end-user in mind and worked backward to create an appealing image, but also managed to ignite the passion and loyalties of the professional market, which isn't an easy task."

Much of that passion stems from O'Rourke himself. An animated, dapper South African, he straddles the line between businessman and showman, splitting time between his industrial offices in Chatsworth and international product demonstrations. His fashion sense reflects this duality, as he pairs a traditional dark suit with a tribal bracelet. The beaded string around his wrist bears the word **thembeka**, Swahili for loyalty, which he says illustrates the close-knit nature of his firm. Hair explodes off his scalp, sculpted with ample amounts of his own products.

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"If I'm meeting with lawyers, I do my hair back and wear a suit," he said. "If I'm meeting with hairdressers, I wear boots, wild sunglasses and funk my hair up."

The trendy edge led JCPenney to stock his wares, adding the Big, Short and Healthy **Sexy Hair** lines. Targeting women from ages 18 to 54, with annual incomes of \$25,000 to \$75,000, the in-store salons are aiming for a hipper image than in past years, according to Paula Malloy, marketing manager for the department store's salon division.

"They're very fun products," Malloy said. "I believe stylist recommendation is very important, but in a large salon like JCPenney, the products need to speak to the consumer as well. And they really do - if you have short hair, they have Short **Sexy Hair**. If you have big hair, then they've got Big **Sexy Hair**."

Even several years ago, JCPenney would have been an odd fit for a fashion-forward brand, but the Plano, Texas-based retailer has seen dramatic changes under the guidance of Allen Questrom, chairman and chief executive officer. On his watch, retail experts have taken notice as the century-old chain has begun stocking brands like Bisou Bisou and developed into a trendier option for young consumers.

"Penney's has always been more fashionable than Sears or Montgomery Wards was," said C. Britt Beemer, chairman of America's Research Group. "But what they've been trying to do is go back to a fashionable base to compete more aggressively. They're showing consumers much better looking merchandise than they used to."

Though his marketing team has been able to maneuver the products into the hands of Hollywood stylists - they boast hairdressers for "Pirates of the Caribbean" and "Legally Blonde" as clients - the products retain fairly low retail prices. A bottle of shampoo costs \$6.50, while a can of spray goes for \$11.50.

Brent Hopkins, (818) 713-3738

brent.hopkins(at)dailynews.com

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

2 photos; Caption: Photo: (1 -- color) Former salon owner and hairdresser Michael O'Rourke formed **Sexy Hair** in 1999, looking to develop professional-quality products for stylists with a trendy edge. He estimates annual retail sales have hit \$120 million. (2 -- color) **Sexy Hair Concepts'** range of hair care products will be used and sold in JCPenney salons beginning next month. Phil McCarten/Staff Photographer

---- INDEX REFERENCES ----

COMPANY: JC Penney Company Inc (PENYJC)

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NEWS SUBJECT: (Joint Ventures (C184); Economic Performance (E11); People Profile (NPEO); Ownership Changes (C18); Corporate/Industrial News (CCAT); Economic News (ECAT); Content Types (NCAT))

INDUSTRY: (Beauty/Personal Care (I98201); Hair Care Products (IHAIR); Retail (I64); Chemicals (I25); Soaps/Cosmetics (I258); Mixed Retailing (I656); Department Stores (I6560002); Business/Consumer Services (IBCS); Consumer Products (ICNP))

EDITION: VALLEY

OTHER INDEXING: BFN; BUSINESS/FINANCE/ECONOMY; CHATSWORTH - BUSINESS - SEXY HAIR CONCEPTS - PRODUCT - SALE - JOINT VENTURE - JCPENNEY SALON - RETAIL - US - PROFILE - MICHAEL O'ROURKE - VALLEY; O Rourke, Michael; J C Penney Co Inc; JCP; 00-698-8893

Word Count: 746

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 5/17/03 Daily Express P36
 2003 WL 55029255

Search Result

Rank (R) 3 of 11

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(Publication page references are not available for this document.)

The Express
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Saturday, May 17, 2003

DESTINATION GORGEOUS.
 By JANE CUNNINGHAM.

If you want to rival Britney Spears as an all-American beach babe this summer or give Spanish Senorita Penelope Cruz a run for her money, JANE CUNNINGHAM shows you how to adapt your make-up bag for a hot holiday look

SWEET SENORITAS When Catherine Zeta Jones wore her hair in an Hispanic up-do at the Oscars, she proved Spanish style is all about sleek sophistication.

New York's Matthew Williamson, artistic director for haircare range MOP, says: "I've recently worked with Penelope Cruz, right, who's the epitome of Latino elegance. To create her hairstyle, use a styling conditioner such as MOP C-System (t10.50, 01282 613 413) to condition and smooth down the hair shaft.

Part your hair to one side and pull it back into a low ponytail using a snag-free band, such as Blax (t2.65, 0871 2204141).

Twist the hair around itself, leave the ends free, secure with pins and separate the ends with MOP Finishing Paste (t9.95)."

For a simpler Spanish look add a real flower to any style, a la Drew Barrymore.

Erin Shaw, make-up artist at The Beauty Lounge in Central London, who has created looks for Yasmin Le Bon and Cat Deeley, says: "A great way to emulate sultry, doe-eyed Spanish girls is to widen and darken your eyes and go for a lush, rich red on lips.

"Apply black liner to your upper lids as close to the lashes as you can get. Wing it out at the edges so the line curves slightly upwards. Apply masses of black mascara, such as Sisley's Quick & Easy (t21, 020 7491 2722) - Jade Jagger's favourite - on your top lashes only to give extra widening."

Erin advises using a base with a subtle sheen, such as Ultima Glowtion Skin Brightening Moisture Cream, SPF15, t20 (0800 0852716), and defining your cheeks with an outdoor-girl glow.

Try Ecotan EcoPush and Glo, t12.75 (020 7252 7046), above, a blush and brush

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in a push-up container. Hot colours for nails and lips add a dramatic touch but if you don't want to go for a full-on red, try warm peach and orange shades.

ALOHA LOVELY Hawaiian girls have lusciously soft skin thanks to using natural exotic oils, such as coconut and macadamia.

To get your body into hug-me hula condition, smooth a large helping of Wonders of Hawaii Mango & Coconut Body and Bath Oil, £12.95 (0871 288 1389) below, all over. It softens skin and smells like an exotic cocktail.

Make-up artist Liz Collinge based in The Wirral, Merseyside, says: "The Hawaiian look is ideal for trying out this season's bold, beautiful colours and celebrities love it, too."

J-Lo' s been looking gorgeous with purple peepers and Kylie Minogue's a natural for strong greens.

"However bold the colour, you can smudge it to achieve the intensity you like.

For a really exotic splash, wear it under your lower lashes, too."

Try Liz Collinge Eye Colours in sapphire, coral, emerald or violet, £4.75 (0845 0708090). Liz says: "To get the most from your mascara, which should be deep black, apply from the roots of your lashes to the tip using a rocking motion, then hold in a curled back position and count to six."

Lips should be full and glossed, so use a Revlon Mother of Pearl Palette, £9.99 (0845 0708090), which includes six shimmering colours A sweep of BeneFit's Hoola bronzing powder, £22 (0901 1130001), across your cheeks will complete the look.

You won't pass for a true Maui maid without a glass-like sheen to your hair, so we suggest ~~Sally Hansen~~ straight ~~Sally Hansen~~ £11.55 (020 8381 7793).

CALIFORNIA GIRL In the land where grooming is a religion, the beach babe look is anything but natural.

London-based make-up artist, Mary Greenwell, whose clients include Uma Thurman and Cate Blanchett, says: "The key to getting the ultimate sun-drenched glow without damaging your skin is to use a tinted sunblock. I like Christian Dior Tinted Sun Cream Compact SPF 25 (£18, 01932 233909)."

A highlighter, such as Passport Radiator in Bondi Beach, £12.50 (020 8840 1994), loved by Britney Spears, can be applied to cheeks and eyelids to give a tan-touched shimmer.

Additionally, a cream bronzer, such as Madonna's favourite Urban Decay Cool Shimmer Stick in Biker, £11 (0845 0708090) above, will enhance your natural assets wonderfully.

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"Apply a few dabs on the places the sun would naturally catch, such as the nose, cheeks and forehead, " says Mary.

Fast-track your tan with the newest fake, SunFX, t25 (01322 290101) - loved by Kylie. It develops to your natural tan shade overnight.

Or try Nivea Satin Sheen, SPF15, t11.99 (0800 616977), which contains light-reflecting particles to give a seductive shimmer.

Waterproof mascara is a beach essential. Mary recommends Chanel Extreme Cils Waterproof Mascara, t15 (020 7493 3836). To add a surfer girl splash, try Pupa Water Pearls, t8.50 (0845 0708090), which make lashes look dewy and sea-splashed.

Cameron Diaz loves catching waves at Malibu's Zuma Beach. Get her effortless, sun-kissed hair colour with Fudge's Beach Bum Blonding Cream, t7.95 (01282 683100).

CIAO BELLA Legendary beauty Sophia Loren, has defined the classic Italian image. To update the sultry, catch-me-if-you-can look, make-up artist Ruby Hammer, based in Maida Vale, North-west London, has some essential tips.

"Eyebrows are the frame for your eyes. They must be well-groomed, with an emphasis on definition. Try a product that uses wax to smooth and colour to highlight, such as Ruby & Millie Brow Color in Brown (t9.50, 0845 0708090), " she says.

Dark brown eyes can take as much upsweep with liner as you like.

Lighter eyes should go more gently.

"Extend the line at the outer corners to lift the eye, " says Ruby. Try Ruby & Millie's Mistake Proof i-writer in black, t10.50 (0845 0708090).

Stila's summer colours are based on Italian ice-cream. Italian Ices Due, t27 (0173 0232566), containing rich vanilla, smooth peach and soft brown shadows, will do the trick.

Then go for a devastating lash attack to widen and enhance. Try Cilength Lash Extender, t12.50 (0871 2204141), which adds length and strength to lashes, under four layers of mascara.

For the perfect pout, wear a lipstick with a sheen. Passport Catwalked In Milan, t10 (020 8840 1994), is good, or go for the essential summer gold with Pupa Splendour Extreme Lips, t8.75 (01932 254854).

---- INDEX REFERENCES ----

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Spring into new hair fashions: some companies focus on men, others natural ingredients. Some break the mold entirely.

Veronica MacDonald

Total number of pages for this article: 6 FULL TEXT

FASHION, LIKE NATURE, blooms each spring. During the season of rebirth, consumers are ready if not eager for the next wave of hairstyling products. Though sales in the hair spray category fell 2% to \$407.6 million for the year ended Feb. 23 according to Information Resources Inc. (IRI), Chicago, marketers are optimistic that hair sprays are far from obsolete. IRI reported the gel/mousse category jumped 5.5% to nearly \$552 million, stealing some thunder from hair sprays. These figures do not include Wal-Mart sales.

Sixteen percent of consumers said styling gel was the most essential product to maintain their hairstyle, while another 16% cited hair spray, according to the Sally Beauty CelebHeads survey by Harris Interactive. Women were more dependent on hairstyling products than men, and 51% said they "must have" gel, spray or mousse. Hair spray was the most popular product, used by 38% of the respondents.

Marketers say that by offering new product forms and ingredients, consumers will experiment to get the look they want. Most new products are tied into current hairstyle trends.

Take, for instance, Sexy Hair Concepts in Chatsworth, CA. Executives insist fashion is based on the mood and emotion of the times. And this spring, women can't wait to break out of the winter blues.

"Women have been working hard all winter, doing everything they can to do the job and be a mom," explained Michael O'Rourke, president and chief executive officer. "In the spring, they start to express themselves again."

Sexy Hair Concepts launched the Disruptive Texture collection of haircuts, illustrating consumers' desire to be free and wild and

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updating last year's fragmented looks. "Disruptive texture is a statement; it's planned texture like a fabric, with freer pieces," Mr. O'Rourke said.

John Paul Mitchell Systems (JPMS) features sexy looks this spring such as Tousled Texture (razored, textured layers), Urban Edge (faux-hawk updo), Classic Sexy (loose, lanky locks) and Serious Bangs (straight fringe with bangs). Modern Organic Products (MOP) executives insist fringe is making a huge comeback, even hanging as low as the lash line. Asymmetry too is finding renewed interest.

Sebastian International is taking a unisex approach to hair with its Fluidity spring/summer haircut collection, emphasizing multifaceted, individual cuts. Executives said research shows that the gender gap is shrinking, and men and women often request the same cuts, styles and products.

Bumble and bumble executives said sweeps, twists and buns that need strong holding products are in vogue. In July, Bumble and bumble will launch Extra Strength Holding spray, a melange of provitamin B5, triethyl citrate and dimethicone copolyol to create moisturized and flexible updos.

Men Have Beauty Secrets Too

Men are getting a lot of attention among personal care marketers lately, leading to an influx of new products and a boost in sales. Men's hair preparations jumped 11.1% in 2002 to reach \$32 million for the year ended Feb. 22, according to ACNielsen.

The increase in men's styling products is due to two concurrent trends in the market. On the one hand, more salon services just for men are popping up. On the other, male celebrities are becoming more outspoken about their grooming routines, which erases the age-old taboo that only women can discuss their beauty secrets.

"Men in general are growing more comfortable with being pampered and are less afraid that it will lessen others' perception of their masculinity," explained American Crew marketing manager Austin Baskett.

American Crew Liquid Line, a trio of water-based styling products for men with medium- to long-length hairstyles, debuted in February. The products include Groom, a versatile, defining lotion; Texture, a thickening, separating and volumizing styling spray and Structure, a firm-holding styling lotion. The products provide bend without stiffness, hold without weight and texture with movement.

"The water base allows for easy distribution through the hair, washes out easily and offers a weightless feel that's perfect for all hair types," insisted Mr. Baskett.

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The products contain natural ingredients such as beeswax, sage extract and coconut oil.

JPMS reorganized and color-coded its Tea Tree collection into Body, Care and Groom sections. The products are targeted to men and "ingredient enthusiasts" who enjoy the healing properties of tea tree oil. JPMS has also extended the collection with Tea Tree Grooming pomade and the versatile Tea Tree Hair and Body moisturizer.

"We realized that as people get busier, it is important to have multi-use products that do more than one thing," explained Nina Kovner, vice president of marketing, JPMS.

JPMS' Elastic Shaping paste, a versatile cream-based product that can spike, bend, flip, twist, define or separate strands, is also new. Executives said innovative styling forms satisfy hairstylists' appetites.

"Our primary target is stylists, and we want to excite their creativity and help them do their craft," Ms. Kovner explained.

White Rain repackaged its The Dry Look line for men, which consists of a grooming gel, hair balm and several hair sprays.

The Art of Shaving line launched several essential oil-based hair grooming products for men such as Hair Gel with Bergamot essential oil and Conditioner with Rosemary essential oil. Executives said the oils were selected for their soothing attributes.

The Choice is Natural

Natural ingredients are embedded in the personal care market due to an increased awareness of well-being. Last summer, Aveda introduced Sap Moss styling spray, an alcohol-free spray containing moisture-intensive sap, Icelandic moss, organic aloe, apricot kernel amino acids and oryzanol (a rice bran-derived UV filter). Executives said the moss is instantly absorbed into the cuticle, helping to prevent frizz and flyaways. In March, Sap Moss Nourishing concentrate was added to the line. This treatment deeply penetrates the hair with nourishing Iceland moss, organic honey, hydrolyzed wheat protein, plant-based emollients and apricot amino acids.

Aveda also offers several items under the new Light Elements line, inspired by lightweight Japanese hairstyles. Launched in January, they include Finishing solution, a lavender water-based light holding product and Smoothing fluid, an organic jojoba-based, shine enhancing product. In June, Aveda will add the Defining Whip using marshmallow root and organic flaxseed for hair separation and Reviving mist to reactivate styling without washing using a blend of red clover, aloe and essential oils. All products are infused with an organic Perfume blend of vetiver,

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lavender, blonde orange, marjoram, rosemary and cinnamon leaf. MOP, a division of American Crew well known for its D-Curl Straightening balm and Lemongrass Lift, introduced the new C-system line of sulfate-free products formulated with vitamins C, A and E as well as organic plants and herbs.

Executives said vitamin C is one of the most closely studied and revered nutrients today due to its ability to bolster collagen production, heal wounds and stimulate the immune system. "When partnered with vitamins A and E, it protects them from oxidation and acidifies to promote an optimal pH balance--a valuable combination in hair care products to help maintain the color integrity of dyed and chemically vulnerable hair," explained Robin Olson, marketing and new product development director, MOP.

Nutrient- and vitamin-rich fruits such as grapefruit, papaya, mango, orange and guava and vegetables such as alfalfa are the foundation of MOP's C-system. Included in the line are the C-system Clean shampoo, Hydrating shampoo, Moisture complex, Reconstructing treatment, Styling conditioner, Texture lotion, Conditioning mist and Finishing paste.

White Rain added the Pearberry and Freesia Spirit aerosol hair sprays under its Naturals banner for approximately \$.99-1.49 each. They are decorated with pastel colors and a retro look, and answer the ever-increasing desire for natural ingredients in the personal care market.

"Hair spray represents the bulk of the hair styling business, and value is the largest part of that business," insisted Pete Columbia, vice president of sales, White Rain. "It is important for us to introduce on-trend hair sprays that are incremental to the industry and our business as well."

The company has also added the White Rain Sunflower line consisting of a shampoo, conditioner and aerosol hair spray.

Teeming with Teenage Products

On the funkier side of fashion, several companies have introduced novel product forms to create unique, updated hairdos, especially for the highly experimental teenage population.

White Rain, the No. 7 hair spray vendor in the U.S. with annual sales of \$28 million, recently launched a slew of products targeted at expressive teens. After its successful launch in Canada, executives introduced Dippity-do Techno to the U.S. The products include Dippity-do Techno Radical jelly, 3-D Styling mousse, Stretch putty, Texture & Waves and Shine pomade. Executives said the line's strongest selling point is its salon-quality formulation at great prices, which range from \$2.49-3.49. This is timely in today's economic climate, executives

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noted.

"In the health and beauty aids industry, when times are tough, consumers squeeze out of the middle to the high end or low end," explained Bo Young, vice president of marketing, White Rain. "Consumers budget, but they will also forgo a salon visit and purchase a product that gives salon performance."

Coupled with the launch of Dippity-do Sport in the U.S. in 2000, White Rain hopes to capture both genders with the unisex Dippity-do Techno line, which creates the popular just-out-of-bed look.

In an effort to reach men ages 12 to 24, White Rain is also sponsoring the ESPN summer games. Mr. Young said his company is using a guerilla marketing strategy to promote products for men. "The men's category is growing and we are looking for ways to get into that," he noted.

L.A. Looks, a division of Schwarzkopf & Dep, is the No. 3 gel/mousse brand in the U.S. mass market with sales of \$32.9 million. L.A. Looks recently underwent a makeover with a more high-tech, modern look and offerings that speak to the brand's 18 to 24-year-old audience. The gel line retained its grippable, curved container and gel bubbles, the logo is an updated "L.A." and the label's black and silver coloring was preserved. Executives said the gels overshadowed the other styling items in the collection.

The new 36-SKU line offers five key looks: Straight, X-Treme, Volume, Expressive and Curl, which are now color-coded to make shopping easier. "We looked at what was happening in the marketplace and saw style-specific products were hot," explained Dana Coulon, senior brand manager, L.A. Looks, Schwarzkopf & Dep. "We also repositioned the look of L.A. Looks as trendy and edgy but approachable."

Executives said consumers enjoy hairstyle versatility. "Consumers are very experimental and want to try new looks," noted Ms. Conlon. "They are also highly influenced by what they see in the media."

The X-Treme line in particular appeals to men. Ms. Conlon noted that L.A. Looks has a high index with men, who are extremely experimental with new product forms. The Straight line, on the other hand, has been popular with women.

The company also overhauled its website, www.lalooks.com, to emphasize the six different looks.

Shocking Skater Spikes

Sexy Hair Concepts' Wild Sexy Hair line introduced Metal Head Metallic Holding gel. These colored gels offer potent holding power and shocking colors in six shades: Chrome, Crimson, Copper, Emerald, Indigo and Purple. The gels share a tangy grapefruit and melon fragrance.

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Executives also noted that these highly reflective products are a natural development in the worlds of hairstyling and fashion. "The consciousness of the times is reflected in the advancement of these products," insisted the company's Mr. O'Rourke.

Joico's ICE hair line introduced a limited edition collection of Spike Colorz shades in Chill Out blue, ReMix red and Wicked blue. Perfect for daring teens, these temporary, water-resistant gels create strong hold and intense color. The gels can be washed out with Eraser shampoo and join existing shades of Toxic Green, Voodoo Blue, Panic Purple and others.

Birmingham, MI-based Continental Consumer Products launched a series of Giga.Hold styling products for various hairstyles and lengths such as the Giga.Hold Freeze aerosol hair spray, Giga.Hold Freeze non-aerosol hair spray, Giga.Hold Freeze putty and Giga.Hold Spike & Freeze gel. These products are targeted at teens and twenty-somethings for various looks, such as the so-called Sleeping Beauty, Punk Rock Perky, Form Fitting Flare and Big Hair styles.

"There are a lot of new styles that are very bold and very cutting-edge, which require products that are cutting-edge as well," insisted John Petchul, president of Continental Consumer Products. "The Freeze hair spray is a technological breakthrough in regard to its holding power, using a dual-resin formula. It has the maximum amount of resin possible in hair sprays for superior hold."

The company is currently developing a men's hair care line, but declined to comment on specifics.

Not Your Average Spray

Some hip styling products hedge so far away from the traditional hair spray and gel sector, that they have the ability to create new hairdos. "Updated, newer textures cannot be done with gels and hair sprays at all," insisted Sandra Yu, national technical director, Rusk. "For more modern textures, gums and clays are used."

Rusk's unisex Being line recently introduced several new styling aids, which can be used in succession. First, Rusk's new Being Rubber gum creates untamed raw hairstyles with great shine and flexibility, using ingredients such as panthenol, mineral oil and natural wax. Next, Being Primitive clay reforms and reshapes damp hair with natural emollients, emulsifiers, fixatives and conditioners. Being Shocked adhesive, a bendable yet texturizing styler, finishes the hair with superior shine.

"People are putting a lot more products into their hair to get a separated, jagged and ropey look," observed Ms. Yu. "The use of flat ironing also separates and smoothes the hair to get the shattered look."

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The line also includes Being Slick pomade, Being Fierce wax, Being Wild paste, Being Strong gel, Being Smooth creme, Being Gutsy creme and Being Flexible hair spray.

Sexy Hair Concepts recently launched Short **Sexy Hair Play Dirty Wax** Master dry wax with a passion fruit mango scent and **Rough & Ready Styling gunk** with an apricot mango fragrance for strong, non-greasy hold. Executives said the packaging features both men and women since women olden buy products for men.

Health Food for Hair

Some companies are not only focusing on innovative products, but those that can improve the condition of hair. Pittsburgh, PA-based hairstylist Philip Pelusi has unveiled the Phyto-Life Potion, the latest addition to his botanical-based Phyto-Life line of products. In packages described as a mixture between elliptical salon designs, Frank Lloyd Wright and nature, Mr. Pelusi designed the Phyto-Life products in easy-to-handle 10-oz. bottles with an emphasis on well-being.

"We are focusing on wellness, hair health and vitality from the inside out rather than just the outer appearance," explained Philip Pelusi, owner of Philip Pelusi Phyto-Life products and salons.

The Potion protects the hair, scalp and hair color from UV rays thanks to natural extracts of blackberry, chlorophyllin-copper, guar, grapeseed, matricaria and sage. The formula is also greaseless, smoothing and weightless and does not contain polymers or resins, according to executives.

Saturating the hair with conditioner can protect the hair and scalp against the sun, but many people are too busy to reapply and may not want that slicked-back look, according to Mr. Pelusi.

"Most UV-protective products have the side effect of weighing the hair down," he said. "But Potion is a weightless product that can be put on the hair anywhere, anytime."

UV protection is important for both colored hair and Piedmont hair because heated styling utensils wreck havoc on all types of hair. Mr. Pelusi noted more men are dyeing their hair today. Younger men are less color-uninhibited, whereas older men request variations of gray.

"We section the hair and make it look like when they first started to get gray," Mr. Pelusi asserted. "The contrast keeps the face from looking too washed-out."

Procter & Gamble's Pantene Pro-V collection has been revamped. The company no longer makes Settique sprays and now offers several hair sprays such as the Classic Hairspray Flexible Hold, Ultra Firm Hold and

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Unscented sprays, as well as Volumizing Hairspray Flexible Hold and Maximum Hold sprays, Curl Lock Hairspray Flexible Hold spray and Stay Smooth Hairspray Flexible Hold spray. Pantene has also added the Pantene Pro-V Total Control Shaping gel, In Control mousse and Scrunching Curls spray gel. All of the products promise healthy, shiny hair using Pantene's fortifying Pro-V formula.

Salon product company PureOlogy Serious Colour Care launched ShineMax Shining smoother, a blend of silicones and the company's AntiFade heliogenol complex to repair, smooth, strengthen and guard colored and natural hair against UV rays.

Big Hair is Back

In addition to trends for men, natural ingredients and innovative product forms, there are always niches for specific hair concerns. For instance, big hair is back, and there are several new products to prove it. **Sexy** Hair Concept's Big **Sexy** Hair line was extended with four new volumizing products: Dense Thickening spray that volumizes without stickiness; Flip It Over, Full and Wild spray with a special tactile feel for wild tresses; Spray & Play Harder Firm volumizing hair spray with hydrolyzed wheat protein to combat humidity and Big Shine-Shine spray with lemon extract.

"Our No. 1 product is Spray and Play," said Mr. O'Rourke. "We say, 'it's not your mama's hair spray,' because most hair sprays haven't changed in 25 years. It's fast drying, lightweight, strong-hold and textured."

Under the Short **Sexy** line, **Sexy** Hair Concepts offers the What A Body Ultra Bodifying blowdry gel for nontacky, soft and shiny hair that is also lifted and infused with an apricot and grapefruit fragrance.

"With shorter hair, women are making a statement, saying 'I know who I am,'" Mr. O'Rourke explained.

Volumax Shape Plus hair spray is new from Naturelle, a division of Zotos International. The fast-drying fine hair spray can be easily brushed through the hair for touch-ups. As it lifts the hair, it also allows flexibility.

Physique extended its volumizing series with Volume Boosting gel, an alcohol-free gel designed to give hair 20 hours of controlled hold, texture and fullness, according to P&G executives. It performs particularly well in humidity. Each product in the series, which also includes a volumizing shampoo, conditioner, scented and unscented hair spray and foam, costs \$7.

Nioxin Research Laboratories' new Niospray hair spray, formulated for free or thin-looking hair, protects the hair from dryness and enhances

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volume. Executives said the hair spray is humidity-resistant and is formulated with Memory Plex II, which retains style memory and increases manageability. Niospray also contains a PABA-free sunscreen. Three versions are also available: Niospray Regular Hold, Extra Hold and Power Hold.

In February, John Frieda launched the Sheer Blonde Volume Enhancing line of products to help plump up and pump up fine and delicate blonde hair. Two shampoos are available (platinum to champagne, and honey to caramel) with a white grape complex, a lightweight Instant detangler and the antistatic Full-Blown Blonde volumizing spray with ultra-light polymers and white grape complex. Executives said the spray is non-darkening and non-yellowing.

Also new is JPMS' Extra-Body finishing spray that dries and holds instantly without weighing hair down. Executives said the dispenser distributes the product evenly throughout the hair and the product completely rinses out. "The new technology allows the use of this product as a hair spray, but with more flexibility and movement," explained JPMS' Ms. Kovner.

Fizzling Out the Frizzies

For those who prefer smooth tresses, there are new options available. Bain de Terre uses the moisturizing qualities of safflower extract in its new All Day Straight Safflower Smoothing gel to create smooth, blow-dried tresses. Other ingredients include heat-activated wheat protein and silicones, as well as a bio-renew complex made of soy protein, gingko biloba and sunflower seed extract that together protect the hair against thermal damage, replenish lost moisture and add sheen.

ISO Prescriptive Stress Defense Leave-in Protection has been repackaged in an ergonomic spray bottle. The spray leaves hair more manageable, detangled and frizz-free, according to executives. The products feature the brand's Tri-Active Technology, a blend of positively charged vitamins, proteins and moisturizers.

A Swirl of Curls

Curly hair has its own set of issues, requiring specialized products. Manhattan hairstylist Ouidad published Curl Talk, a book for women with untamable tresses. Also known as "The Queen of Curl," Ouidad offers tips on how to find the right cut for curly hair, the frequency of shampooing and conditioning, the best conditioning and styling treatments and how to blowdry, color and straighten curly hair. For example, she warns women not to rub wet hair with a towel; it will cause additional frizzing.

John Frieda executives said the new Frizz-Ease Dream Curls turns dull waves into defined curls. Using magnesium and conditioners, the spray

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boosts the natural structure of curls.

The Driving Forces

The hairstyling market is influenced by a variety of factors, from a surge in men's salon services to personal care trends. But one thing is for sure. Hair makes a first impression.

"It's been said that 82% of people notice hair first," noted Mr. Pelusi. "We say if the hair looks good, that's 90% of the battle."

Whether it's an updated hair spray or a new styling category such as gum, consumers are willing to experiment to improve their looks. Hairdressers are at the forefront of this experience, using new products on clients and recommending them. They can make and break many newcomers, as well as inspire the creation of products.

"We continually listen to what is going on, because hairstylists are creative and always in need of unique products," said JPMS' Ms. Kovner. "It's so exciting that there is so much innovation and uniqueness because of these hybrid-type products."

Rave is All the Rage in Hair Spray

Rave and Pantene lead the hair spray/spritz market in food, drug and mass merchandisers for the year ended Feb. 23, 2003. Figures do not include Wal-Mart results. All dollar figures are in millions.

Brand	\$ Sales	% Change	\$ Share	Unit	
				Sales	% Change
Rave	32.6	-20.3	8.0	17.6	-37.8
Pantene Pro V	28.3	-5.7	7.0	7.7	0.8
Suave	23.7	13.0	5.8	15.9	26.3
Clairol Herbal Essences	19.7	3.7	4.9	5.9	0.9
Salon Selectives	17.1	-11.3	4.2	6.6	-7.3
Aquanet	17.1	-5.3	4.2	9.0	-11.8
Sebastian Shaper	16.3	29.0	4.0	1.2	28.4
White Rain	14.5	7.9	3.6	11.8	5.2
Pantene Pro V Elastesse	13.5	3.8	3.3	4.0	3.1
Alberto Consort	12.7	-5.8	3.1	4.0	-8.3
Category Total	407.6	-2.0	100.0	145.4	-7.6

Source: Information Resources Inc., Chicago. Wal-Mart sales are not included.

----- INDEX REFERENCES -----

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MARKET SECTOR: Consumer Non-Cyclical (NCY)
INDUSTRY: Cosmetics & Personal Care (COS)

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REGION: United States; United States; North American Countries (US
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